

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
DECEMBER 10, 2014**

**CALL TO
ORDER
6:04 pm**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at the Earl Bennett Building, Conference Rooms A and B, 1035 1st Ave W, Kalispell, Montana. Board members present were Marie Hickey-AuClaire, Noah Bodman, Ron Schlegel, Gene Shellerud, Jim Heim, Jeff Larsen and Greg Stevens. Tim Calaway was absent. BJ Grieve and Erik Mack represented the Flathead County Planning & Zoning Office.

There were 9 people in the audience.

**APPROVAL OF
MINUTES
6:04 pm**

Larsen made a motion, seconded by Schlegel to approve the November 12, 2014 meeting minutes.

The motion passed by quorum.

**PUBLIC
COMMENT
(not related to
agenda items)
6:05 pm**

Grieve explained in depth the reason why public comment after the 10-30-14 Planning Board workshop was not presented at the November 12, 2014 Planning Board meeting. Because of that, the comments were now in front of the board. He recommended the board not take action on the items under old business. He suggested the board call a special meeting per their by-laws for a week from tonight after they have read the comments and make a decision then.

Stevens and Grieve discussed why Grieve recommended both Whitefish items under old business be postponed to the special meeting. In the information before the board, there was possible public comment both the recommendations for the Lake and Lakeshore and Zoning transitions.

Hickey-AuClaire and Grieve discussed process.

Rebecca Norton, 530 Scott Avenue, brought to the board's attention the Planning Board minutes for October 1, 2014 and the possible conflict of interest with Callaway owning property on Big Mountain.

**BYRON GUY
(FZC-14-05)
6:14 pm**

A Zone Change request in the Highway 93 Zoning District by Byron Guy. The proposal would change the zoning on approximately 3.75 acres from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural). The property is located at 240

Sirucek Lane.

Larsen recused himself from the hearing of the application.

STAFF REPORT Mack reviewed Staff Report FZC-14-05 for the Board.

**BOARD
QUESTIONS** None.

**APPLICANT
PRESENTATION** Russell Crowder, 2868 Lost Prairie Road, represented the applicant. He felt the staff report was excellent. He thought this application was a house keeping issue more than anything. It was a proposal which didn't allow for more lots or different uses than what was currently there. He wanted to see the board come up with an administrative procedure for this type of request when they had time. Something similar to the procedure for a borderline adjustment was appropriate. He felt they had a good staff report. There was no reason the county would not approve the request. He asked the board recommend to the county commissioners approval of the request. He was available for questions.

**BOARD
QUESTIONS** None.

**AGENCY
COMMENTS** None.

**PUBLIC
COMMENT** Hickey-AuClaire confirmed there was no written public comment received.

No member of the public spoke.

**APPLICANT
REBUTTAL** None.

**STAFF
REBUTTAL** None.

**BOARD
DISCUSSION** Stevens offered alternate wording for goal #31.

Mack, Stevens and Grieve briefly discussed amending the staff report.

Grieve said staff had made the note and the staff report typo

would be fixed.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZC-14-05)**

Stevens made a motion seconded by Shellerud to adopt staff report FZC-14-05 as findings-of-fact.

**BOARD
DISCUSSION**

Shellerud offered alternate wording for finding of fact #4.

The board briefly discussed the wording.

**SECONDARY
MOTION TO
(Amend F.O.F. #4)**

Schlegel made a motion seconded by Heim to amend finding of fact #4 to read:

4. The proposed amendment ~~would~~ does not appear to have a negative impact on public health, safety and general welfare because the property is served by the Flathead County Sheriff, the West Valley Fire Department, and future development would be similar to uses already permitted and conditionally permitted in the current SAG-10 zoning.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
(Amend F.O.F. #4)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-14-05)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FZC-14-05)**

Heim made a motion seconded by Shellerud to adopt Staff Report FZC-14-05 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZC-14-05)**

On a roll call vote the motion passed unanimously.

**OLD BUSINESS
6:26 pm**

Hickey-AuClaire said in light of Grieve's comments earlier, the board needed to discuss calling a special meeting on December 17, 2014.

Grieve said there were two people in the audience who were not present for his comments earlier concerning the calling of a special board meeting on December 17, 2014. He summarized his earlier comments under the public comment period.

Hickey-AuClaire clarified the board wanted to consider the Lake and Lakeshore transition as well as the Zoning transition.

Grieve said this was truly an attempt to be transparent.

Stevens said it was important to schedule the meeting as soon as possible since there would be new members on the board starting January 1, 2015 and they would not be up to speed on what the board had discussed previously concerning the issues.

Hickey-AuClaire appreciated the transparency and clarified with Grieve the process for calling a special meeting and how that meeting would be noticed.

Grieve said all the board was doing was considering a recommendation to the commissioners on how to proceed with some process in the Whitefish donut transition. That process would either have the required statutory or regulatory process including public hearings. He went on to give examples of scenarios which require public hearings. This was a process to identify the process.

The board discussed if there were any conflicts with Wednesday, December 17, 2014 for a special meeting.

**MAIN MOTION
TO CALL A**

Stevens made a motion seconded by Heim to call a special meeting of the board on December 17, 2014 at 6 pm at the Earl

**SPECIAL
MEETING ON
DECEMBER 17,
2014**

Bennett Building Conference rooms A and B to continue discussion on a recommendation to the Flathead County Commissioners regarding Lake and Lakeshore protection regulations for rural properties on Whitefish and Lost Coon Lakes and how to proceed with transitioning planning and zoning in the rural areas outside the City of Whitefish.

**BOARD
DISCUSSION**

The board and Grieve briefly discussed procedure and the wording for the December 17, 2014 meeting agenda.

The board appreciated the effort of Grieve and the people who drove down from Whitefish to attend the meeting.

**ROLL CALL
VOTE TO CALL
A SPECIAL
MEETING ON
DECEMBER 17,
2014**

On a roll call vote the motion passed unanimously.

**NEW BUSINESS
6:34 pm**

None.

**ADJOURNMENT
6:35 pm**

The meeting was adjourned at approximately 6:35 pm. on a motion by Schlegel. The next meeting will be held at 6:00 p.m. on December 17, 2014.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 1 / 14 / 15*

Flathead County
Rural Whitefish Planning & Zoning Jurisdiction Transition
Option Analysis Matrix¹

Option:	1) Take no action, allow interim zoning to expire. ²				2) During term of interim zoning, pursue planning process to update 1996 Whitefish City-County Master Plan. ³			3) During term of interim zoning, pursue planning process to update 1996 Whitefish City County Master Plan using current city-adopted 2007 Whitefish Growth Policy as starting point. ⁴		
Sub-Option:	1a) After expiration of interim zoning, repeal current county adopted 1996 Whitefish City-County Master Plan. Rely on Flathead County Growth Policy for land use decisions.	1a-i ⁸) Prior to expiration of interim zoning, repeal 1996 Whitefish City-County Master Plan then possibly amend Flathead County Growth Policy to add future land use map from 2007 Whitefish Growth Policy and revise text as needed. Replace interim zoning with county Part 2 zoning classifications based on Growth Policy.	1b) After expiration of interim zoning, only administer plans and zoning adopted by Flathead County Commissioners. ⁵	1c) After expiration, allow only Part 1 zoning applications/amendments. Part 1 zoning does not require compliance with a neighborhood plan or growth policy, only description of a “development pattern” for each district. ⁶	2a) Use 1996 plan “as-is.” Replace interim zoning with existing county Part 2 zoning classifications consistent with this plan. ⁷	2b) Update 1996 plan, limit scope of update to future land use map and associated text within plan. Replace interim zoning with existing county Part 2 zoning classifications consistent with this updated plan.	2c) Update 1996 plan, do not limit scope and create updated plan with format and content that suits rural Whitefish for 20-year planning horizon. Replace interim zoning with existing county Part 2 zoning classifications consistent with this updated plan.	3a) Review/adopt 2007 plan “as-is.” Replace interim zoning with existing county Part 2 zoning classifications consistent with this plan.	3b) Modify 2007 plan, limit scope of update to adopting future land use map and associated text and remove portions not workable and/or desirable to rural residents. Replace interim zoning with existing county Part 2 zoning classifications consistent with this updated plan.	3c) Choose option 3a or 3b, then implement with new, special county Part 2 zoning classifications adopted to match permitted uses and bulk and dimensional requirements of “W” zoning in place at end of interlocal agreement.
Pros:	<ul style="list-style-type: none">• Eliminates plan and planning processes that are typical source of allegations of errors in a litigation-prone situation.• Reduces long-term demand on county planning resources.	<ul style="list-style-type: none">• Allows use of Whitefish’s Future Land Use Map (upon which present zoning is based) without adopting entire 2007 Whitefish Growth Policy.• Avoids more time consuming plan review processes in Options 2 of 3.	<ul style="list-style-type: none">• Least demand on county planning resources.• Those who had their property zoned by Whitefish with a “W” zoning classification and did not support the zoning would be unzoned or revert to county zoning.	<ul style="list-style-type: none">• No updating or adoption of a broad community plan required prior to consideration of individual Part 1 districts.• Landowner support would be required, 60% of landowners in an area 40 acres or more in size.	<ul style="list-style-type: none">• Allows quickest adoption of a permanent replacement for current interim zoning using existing Part 2 zoning classifications.• Uses entire 1996 plan jurisdiction.	<ul style="list-style-type: none">• Process of updating an existing plan is clearly outlined in Part 4 of Chapter 11 of Growth Policy.• Likely achievable within two-year interim zoning lifespan.• Addresses planning in entire 1996 plan jurisdiction.	<ul style="list-style-type: none">• Process of updating an existing plan is clearly outlined in Part 4 of Chapter 11 of Growth Policy.• Addresses planning in entire 1996 plan jurisdiction.• Optimal outcome is a plan that may serve rural Whitefish for many years.	<ul style="list-style-type: none">• Minimizes demand on county planning resources since plan exists.• Recognizes work done by community in 2007.• Adopts zoning close to what was there, without “Special Provisions” of Whitefish’s zoning that created controversy.	<ul style="list-style-type: none">• Uses public process to identify and eliminate or revise controversial policies of 2007 plan.• Adopts zoning close to what was there, without “Special Provisions” of Whitefish’s zoning that created controversy.	<ul style="list-style-type: none">• Provides for most consistent land use regulations with what existed under Whitefish’s jurisdiction.• Most compatible with adjacent municipality’s urban growth and zoning, required by 76-2-203 M.C.A.
Cons:	<ul style="list-style-type: none">• Eliminates detailed guidance for future land use decision making in rural Whitefish area.	<ul style="list-style-type: none">• Permanent Part 2 zoning to replace interim zoning wouldn’t be based on a separate local plan.• Flathead County Growth Policy contains broad goals and policies with opportunity for debate over meaning/applicability to very specific areas.	<ul style="list-style-type: none">• Areas that were amended to a “W” zone from a county zone would go back to county zone, creating non-conforming uses.• Those who supported the “W” zoning on their property and/or may have pursued zone changes, PUDs or permits under “W” zoning would now be unzoned.	<ul style="list-style-type: none">• Significant administrative challenges associated with adding Part 1 zoning districts to existing Part 2 zoning regulations. Separate rules and standards, separate revenues and expenditures sources to track, separate planning and zoning commissions, etc., all for each district.	<ul style="list-style-type: none">• 1996 plan is dated and doesn’t reflect many existing conditions and/or current projected trends.• Many current zones and/or zoning amendments adopted under Whitefish’s jurisdiction may be “downzoned” to comply with this plan.⁷	<ul style="list-style-type: none">• Doesn’t allow for full inventory of existing characteristics, projected trends, available public services and infrastructure, etc. in 2014. Plan remains somewhat dated.• Requires more county planning resources (staff and Planning Board) than some other options.	<ul style="list-style-type: none">• Achieving scope of work will require substantial county planning resources (staff and Planning Board) and a public/political will to progress quickly through process.• May still not be achievable within two-year interim zoning lifespan.	<ul style="list-style-type: none">• Many policies of 2007 plan controversial to rural landowners.• Plan jurisdiction boundary not the same as 1996 plan, would need to be expanded or would create a doughnut of 1996 boundary.• Current county zoning classifications are still different than Whitefish’s previous “W” classifications.	<ul style="list-style-type: none">• Plan jurisdiction boundary not the same as 1996 plan, would need to be expanded or would create a doughnut of 1996 boundary.• Current county zoning classifications are still different than Whitefish’s previous “W” classifications.	<ul style="list-style-type: none">• Adopting new “special” zones into text of Flathead County Zoning Regulations takes more time in addition to plan update and zoning map adoption.• “Special” zones can introduce challenges with consistency and interpretation. Ex. Ashley Lake, North Fork, etc.
Follow-up question or issue created by option:	<ul style="list-style-type: none">• Repeal of 1996 plan may not comply with Goals 46 and/or 49 of Growth Policy.	<ul style="list-style-type: none">• Review Growth Policy to ensure proposed amendments will retain internal consistency of document.	<ul style="list-style-type: none">• Significant concerns from parties that pursued zone changes or got permits with zoning in place.	<ul style="list-style-type: none">• Research how to administer/enforce multiple Part 1 zoning districts.			<ul style="list-style-type: none">• What happens at end of 2 years if project is not complete?	<ul style="list-style-type: none">• Since 2007 plan is not listed as an “existing” plan in Part 4 of Chapter 11 of Growth Policy, process to use is not as clear as using 1996 plan.	<ul style="list-style-type: none">• Since 2007 plan is not listed as an “existing” plan in Part 4 of Chapter 11 of Growth Policy, process to use is not as clear as using 1996 plan.	

¹The purpose of this document is to inform rural Whitefish landowners, Flathead County decision makers and the general public about some of the options that were discussed at Planning Board public workshops on October 01 and October 15, 2014 and that are currently available for planning and zoning in the rural areas outside the city of Whitefish at the end of the term of the current interim zoning. This analysis was originally requested by the Flathead County Planning Board at the October 01, 2014 public workshop. It was prepared by planning staff and given to the Planning Board on October 08, 2014 and posted on the planning office’s website on October 09, 2014. At the October 15, 2014 public workshop, after public comment and board discussion, the board requested staff add Option 1a-i (see footnote #8 below). This additional option was added by planning staff on October 16, 2014 and the revised analysis was re-posted to the planning office’s website on October 16, 2014. This document is intended to serve as an informational starting point for discussion, public participation and additional research. Given the unprecedented nature of the rural Whitefish area jurisdiction transition, in order to create this document and present options, some assumptions had to be made.

For those unfamiliar with planning terminology, plans referenced herein (such as the county wide Flathead County Growth Policy, the 1996 Whitefish City County Master Plan and the 2007 Whitefish Growth Policy) are non-regulatory documents that generally outline a community vision for the future, inventory existing characteristics of a community, present projected growth trends, and establish goals for how growth should occur within the plan’s jurisdiction. Policies regarding such things as location of growth, public services and infrastructure to serve growth, and environmental impacts of growth are typically set forth in a plan to guide decision makers over time and help achieve the goals. Communities are not required to adopt plans, but if a community chooses to adopt plans, they must be made and adopted according to state laws. These laws are found in 76-1-601 et. seq., M.C.A. Since plans are non-regulatory, they are implemented using regulatory methods (regulatory means those for which an enforcement mechanism is authorized if violated, such as a misdemeanor) such as subdivision regulations and zoning regulations. Zoning is regulatory, and Part 2 zoning must be made in accordance with, or implement, the stated goals and policies of a plan. See footnote 6 below for an important explanation of differences between Part 1 and Part 2 zoning in rural areas.

²The current interim zoning was adopted September 09, 2014 pursuant to Resolution #2394 and will expire at the end of one year. The Commissioners may extend the interim zoning for up to one additional year. The interim zoning was adopted to most closely replicate the permitted land uses and bulk and dimensional requirements of the “W” zoning that was adopted by the Whitefish City Council outside of city limits prior to and during the period of the Interlocal Agreement.

³The 1996 Whitefish City County Master Plan was adopted jointly by the Flathead County Commissioners and Whitefish City Council on February 06, 1996 and February 20, 1996 (respectively). This is the local plan for the rural Whitefish area referenced in Part 4 of Chapter 11 of the Flathead County Growth Policy. The 1996 plan boundary extends approximately 4½ miles outside Whitefish city limits as they existed at that time.

⁴The 2007 Whitefish Growth Policy was adopted by the Whitefish City Council in November 2007 and at that time applied to areas within city limits and within the interlocal agreement boundary. The interlocal agreement boundary was *approximately* 2 miles from Whitefish city limits as they existed in 2005. This 2007 Whitefish Growth Policy was not adopted by the Flathead County Commissioners for areas outside Whitefish city limits.

⁵Under this option/scenario, the 1996 Whitefish City County Master Plan and any county zoning adopted by the Flathead County Commissioners in the past would continue to exist. Zoning in areas that had been zoned with a “W” zone by the Whitefish City Council would cease to exist. “W” zoning within one mile of city limits that was passed by the Whitefish City Council prior to 2005 pursuant to 76-2-310 M.C.A. would not exist. County zones that were adopted by the Flathead County Commissioners in the past that have been amended by the Whitefish City Council to a different county zone or to a “W” zone would revert to the last zoning approved by the Commissioners.

⁶Under Montana law, there are two basic types of zoning that can be adopted in rural areas. Part 1 zoning is referred to as “citizen initiated” zoning. When 60% of the landowners in an area of 40 acres or more petition the county for zoning, the Commissioners may adopt it. Part 1 zoning districts each have a separate “Planning and Zoning Commission,” each would have separate regulatory standards, each have a separate levy within the district to pay for administration and enforcement of the zoning district, and are adopted to implement a separate “development pattern” identified for each district. Part 1 zoning is not specifically required to be made in accordance with a Growth Policy. See 76-2-101 et. seq., M.C.A. regarding details of “citizen initiated” Part 1 zoning. Currently, Flathead County only has one Part 1 zoning district in the Egan Slough area and because it has unique and separate regulatory standards and administrative requirements, it is not a part of the Flathead County Zoning Regulations. Part 2 zoning is the second type of zoning under Montana law and it is referred to as “county initiated” zoning. Part 2 zoning may be initiated by the Commissioners for purposes of “promoting the public health, safety, morals, and general welfare” of a jurisdictional area and must be made in accordance with a growth policy or plan. The current Flathead County Zoning Regulations are adopted under Part 2 zoning. See 76-2-201 et. seq., M.C.A. regarding details of “county initiated” Part 2 zoning.

⁷Pursuant to the criteria for adopting Part 2 zoning found in 76-2-203 M.C.A. and Section 2.08.040 of the Flathead County Zoning Regulations, zoning regulations must be made in accordance with the Growth Policy. The 1996 Whitefish City County Master Plan has been adopted as an element of the Flathead County Growth Policy. Therefore, any permanent zoning would have to comply with the 1996 plan and according to the Introduction, the plan is composed of two major components, the text and the map, that must be weighed equally (page 3). Since the 1996 plan was not updated by the county while the interlocal agreement was in place, some of the current zoning that was adopted by Whitefish in accordance with the 2007 Whitefish Growth Policy would not comply and could not be adopted under the current county 1996 plan.

⁸Option 1a-i added after Planning Board discussion at October 16, 2014 public workshop.

Flathead County
Whitefish & Lost Coon Lake and Lakeshore Jurisdiction Transition
Option Analysis Matrix¹

Option:	1) Amend the <i>Flathead County Lake and Lakeshore Protection Regulations</i> ² to include Whitefish and Lost Coon Lakes.	2) Option 1, then review, revise and update the <i>Flathead County Lake and Lakeshore Protection Regulations</i> ² in next fiscal year.	3) Continue using Flathead County's <i>Whitefish Area Lake and Lakeshore Protection Regulations</i> ⁵ that were used prior to interlocal agreement.	4) Adopt Whitefish's <i>Whitefish Area Lake and Lakeshore Protection Regulations</i> ⁶ that Whitefish used during interlocal agreement.	5) Work with public and Whitefish to create new Whitefish & Lost Coon lakeshore regulations agreeable to both governing bodies, adopt separately.	6) Discuss with City of Whitefish a mutually agreeable arrangement to give city lakeshore jurisdiction for Whitefish and Lost Coon Lakes ⁷ .
Pros:	<ul style="list-style-type: none"> • Efficient administration and enforcement for Flathead County. • Consistent with ~57 other lakes regulated in rural Flathead County³. • Allows resources to be focused on interim zoning replacement. 	<ul style="list-style-type: none"> • Allows county to adopt best provisions for rural jurisdiction of multiple regulations and apply to all ~59 lakes. • End result is one updated set of regulations for all rural Flathead County. 	<ul style="list-style-type: none"> • This is what Flathead County is doing now, no changes needed. • Maintains many unique provisions found in current City of Whitefish regulations since those regulations originated from this document. 	<ul style="list-style-type: none"> • Provides for consistency across jurisdictions in an existing document, but only if adopted by county as written. • These are the most recently updated regulations unique to Whitefish and Lost Coon Lakes. 	<ul style="list-style-type: none"> • Governing bodies can create one set of regulations with which they are both comfortable. • Most consistent option while maintaining separate jurisdictions. • If successful, promotes cooperation. 	<ul style="list-style-type: none"> • Only option for 100% consistent regulations across Whitefish and Lost Coon Lakes because one jurisdiction is interpreting, administering, enforcing and amending. • Consumes least county resources.
Cons:	<ul style="list-style-type: none"> • Least consistent option with current City of Whitefish regulations. • Does not recognize unique history and cultural identity of Whitefish Lake. • Last updated 12 years ago. However, see Option #2. 	<ul style="list-style-type: none"> • Requires county resources allocated to review and update at same time as county is working to replace interim zoning (could use consultant for lakeshore update). • Increases demand on Planning Board time over next 1-2 years. 	<ul style="list-style-type: none"> • Not consistent with current City of Whitefish regulations used inside city limits. • Long term costs for two sets of lakeshore regulations. • Some provisions hard to enforce. • Needs update to jurisdictional references. 	<ul style="list-style-type: none"> • Some 2009 revisions hard to enforce in rural area. • Any edits by county, or any future amendments not adopted by both jurisdictions result in inconsistent regulations. • Reviewing & revising consumes county resources. 	<ul style="list-style-type: none"> • Extremely time and resource consumptive for both jurisdictions. • No guarantee efforts will be successful. History shows very different political wills. • Future amendments by one governing body may not be adopted by other. 	<ul style="list-style-type: none"> • Current political climate creates challenges with establishing cooperative agreements. • Discussions may simply not yield a mutually agreeable scenario, resulting in wasted time.
Follow-up question or issue created by option:	• Impact of Whitefish's annexation of lake bottom ⁴ ?	• Impact of Whitefish's annexation of lake bottom ⁴ ?	• Status of WF Lakeshore Protection Committee?	• Status of WF Lakeshore Protection Committee?	• Status of WF Lakeshore Protection Committee?	• Representation for rural lakefront landowners.

¹The purpose of this document is to inform Flathead County decision makers and the public about some options that are currently available for regulating Whitefish and Lost Coon Lakes, per 75-7-207 M.C.A. The document is intended to serve as an informational starting point for discussion and public participation.

²Adopted by the Flathead County Board of Commissioners April 13, 1982. Covered all lakes in Flathead County until separate regulations were created for Whitefish and Lost Coon Lakes in 1990 (see footnote #4 below). Most recently revised January 24, 2002. This document can be found on the Flathead County Planning and Zoning Office website at http://flathead.mt.gov/planning_zoning/downloads.php (click on the folder labelled “Lake and Lakeshore Protection Regulations”).

³Per 75-7-203 M.C.A., the *Flathead County Lake and Lakeshore Protection Regulations* govern all lakes over 20 acres in size for at least 6 months in a year, presently including Blanchard Lake but excluding Whitefish and Lost Coon Lakes. According to Flathead County GIS, this applies to approximately 57 lakes in rural Flathead County.

⁴The City of Whitefish has annexed Whitefish Lake to the low water mark. Dock permits issued for rural properties may therefore be doing work inside city limits. Mayor John Muhlfeld raised this jurisdictional concern in a letter to the Commissioners on September 04, 2014.

⁵Adopted jointly by the Flathead County Commissioners on January 03, 1990 (Resolution #769) and the City of Whitefish On January 01, 1990 (Ordinance #89-12) as a separate set of lakeshore regulations governing Whitefish and Lost Coon Lakes. Administered by Flathead County for rural properties on Whitefish and Lost Coon Lakes until February 01, 2005 (effective date of Interlocal Agreement) and then again starting on July 15, 2014 (effective date of Montana Supreme Court ruling terminating Interlocal Agreement). This document can be found on the Flathead County Planning and Zoning Office website at http://flathead.mt.gov/planning_zoning/downloads.php (click on the folder labelled “Lake and Lakeshore Protection Regulations”).

⁶After February 01, 2005 (effective date of Interlocal Agreement), the City of Whitefish continued to use the regulations that had been adopted jointly with Flathead County. However, subsequent amendments were not approved by Flathead County since the jurisdiction was solely Whitefish’s. The regulations were amended by Whitefish to include Blanchard Lake since that lake was inside the Interlocal Agreement area. In 2009, Whitefish adopted a significant revision to the regulations (Ordinance 09-08). These regulations are referred to as the *Whitefish Area Lake and Lakeshore Protection Regulations*. A link to this document can be found on the City of Whitefish website at <http://www.cityofwhitefish.org/planning-and-building/floodplain-development.php>.

⁷Per 75-7-214 M.C.A., governing bodies of lakes that are in two different jurisdictions are “empowered and encouraged,” but not required, to enter into agreements to establish compatible criteria.